

REMARKS

Reconsideration of the application is requested.

Claims 1-15 remain in the application. Claims 1-15 are subject to examination.

Claims 1 and 11 have been amended.

The Examiner has acknowledged that the claim for priority is valid.

Under the heading "Claim Rejections – 35 USC § 103" on page 3 of the above-identified Office Action, claims 1-15 have been rejected as being obvious over U.S. Patent No. 6,711,689 B2 to Lumme et al. in view of U.S. Patent No. 6,038,288 to Thomas et al. under 35 U.S.C. § 103.

Claims 1 and 11 have been amended to specify that the switch is within the switching center of a telecommunications service provider. Support for the change can be found by referring to the specification at page 2, lines 10-23, which makes it clear that the subject matter of the present invention is directed towards circuit-switched networks including switching centers, such as EWSD, but not to packet-switched networks. Additionally, the specification at page 5, line 4 through page 7, line 13 clearly discloses that invention relates to circuit-switched networks including switching centers, such as EWSD.

From a technical viewpoint, switching and routing are two very different things. In circuit-switching, a path is decided upon before the data transmission starts

(e.g. by signaling system SS7). The system decides which path to follow, e.g. based on a resource-optimizing algorithm, and a transmission goes according to the **path as realized by a switching center**. For the whole length of the communication session between the two communicating bodies, the path is dedicated and exclusive, and is released only when the session terminates. Thus, circuit switched networks may be considered as "closed" network environments based on switching centers.

In contrast, in packet-switching, packets are sent towards the destination independently or irrespective of each other. Each packet has to find its own route over a plurality of network nodes to the destination. There is no predetermined path and the decision as to which node to hop to in the next step is taken only when a node is reached. Each packet finds its way using the information it carries, such as the source and destination IP addresses. Thus, packet switched networks may be considered as "open" network environments based on a plurality of network nodes.

In detail, each packet contains, along with the data load, information about the IP address of the source and the destination nodes, sequence numbers and some other control information. A packet can also be called a segment or datagram. Once they reach their destination, the packets are reassembled to make up the original data again.

Thus, in packet-switched networks, a network node usually transmits only part

of all of the information, i.e. packets, and requests for a interception data collection function as described in Lumme et al. However, in circuit switched networks, the database of the switching center already includes all of the relevant interception data, and thus requires specific protection during upgrading of the database.

Therefore, Lumme et al. merely teaches creating a **secure tunnel** to an interception authority, wherein the collected interception data at a specific node is transferred using secure data encryption. Moreover, Lumme et al. do not need protection during a maintenance process (e.g. software upgrade) since in a packet switched network, one node never transmits all of the packets of a connection, and thus never includes all of the relevant interception data.

Lumme et al. clearly teach a packet switched network.

Claims 1 and 11, however, are each directed towards a circuit-switched network and specify that the switch is within the switching center of a telecommunications service provider. Lumme et al. do not teach or suggest a switch that is within a switching center of a telecommunications service provider because packet switched networks do not use switching centers.

Therefore, even if Thomas et al. did teach the subject matter alleged by the Examiner and even if there were a suggestion to combine the teachings of Lumme et al. and Thomas et al. for some reason, the combination of the

teachings in Lumme et al. and Thomas et al. could not suggest the invention as defined by claims 1 and 11.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 or 11. Claims 1 and 11 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1 or claim 11.

In view of the foregoing, reconsideration and allowance of claims 1-15 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Appl. No. 10/809,628
Amdt. Dated February 27, 2008
Reply to Office Action of January 7, 2008

Respectfully submitted,

/Laurence A. Greenberg/
Laurence A. Greenberg
(Reg. No. 29,308)

MPW:cgm

February 27, 2008

Lerner Greenberg Sterner LLP
P.O. Box 2480
Hollywood, Florida 33022-2480
Tel.: (954) 925-1100
Fax: (954) 925-1101